



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/530,249

04/04/2005

Masahiko Terakado

Q87291

9920

65565 7590 03/18/2010
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

MURRAY, JEFFREY H

ART UNIT

PAPER NUMBER

1624

NOTIFICATION DATE

DELIVERY MODE

03/18/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SUGHRUE265550@SUGHRUE.COM
USPTO@SUGHRUE.COM
PPROCESSING@SUGHRUE.COM

DETAILED ACTION

This action is in response to an amendment which was filed on December 17, 2009. There are two claims pending and two claims under consideration. Claims 1-67 and 70-81 have been cancelled.

Withdrawn Rejections/Objections

Applicant is notified that any outstanding rejection/objection that is not expressly maintained in this office action has been withdrawn or rendered moot in view of applicant's amendments and/or remarks.

Ex Parte Quayle

This application is in condition for allowance except for the following formal matters:

Claims 68 and 69 are objected to because of the following informalities:

- a) Claim 68 and 69 are objected to for containing non-elected subject matter within the claim. Appropriate correction is required.
- b) Claim 68 states, "...Ring E represents a C5-6 monocyclic aromatic carbocyclic group;" It is well known in the chemical arts that a 5-membered monocyclic aromatic carbocyclic group does not exist. Examiner suggests either removing the term "5-" or in the alternative replacing the C5-6 monocyclic aromatic carbocyclic group" with the term "phenyl" as this is the only option for a 6-membered monocyclic aromatic carbocyclic group. No new matter permitted. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

Claim 69 is objected to as being dependent upon an objected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 68 and 69 are free of the prior art. No prior art is seen. The closest art seen is Tanaka, et. al., U.S. Patent Publication Application No. 20070149595, which was previously cited as an obviousness-type double patenting reference. As the current application is the earlier filed of the two, this rejection has been withdrawn.

Conclusion

Claims 68 and 69 are objected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey H. Murray whose telephone number is 571-272-9023. The examiner can normally be reached on Mon.-Thurs. 7:30-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Mr. James O. Wilson can be reached at 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey H Murray/ Patent Examiner,
Art Unit 1624

**/James O. Wilson/
Supervisory Patent Examiner, Art Unit 1624**